

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

\*E-FILED - 5/19/06\*

XOFT MICROTUBE, INC.,

CASE NO. C 05-05312 RMW

Plaintiff(s),

v.

CYTYC CORPORATION, et al.

STIPULATION AND [~~PROPOSED~~]  
ORDER SELECTING ADR PROCESS

Defendant(s).

\_\_\_\_\_/

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

**Court Processes:**

- Non-binding Arbitration (ADR L.R. 4)
- Early Neutral Evaluation (ENE) (ADR L.R. 5)
- ✓ Mediation (ADR L.R. 6)

*(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)*

**Private Process:**

Private ADR (please identify process and provider) \_\_\_\_\_

The parties agree to hold the ADR session by:

- ✓ the presumptive deadline *(The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)*

other requested deadline \_\_\_\_\_

Dated: 05/03/2006

s/James W. Geriak  
Attorney for Plaintiff

Dated: 05/03/2006

s/Henry C. Su  
Attorney for Defendant

~~PROPOSED~~ ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

Non-binding Arbitration

Early Neutral Evaluation (ENE)

✓ Mediation

Private ADR

Deadline for ADR session

✓ 90 days from the date of this order.  
other

IT IS SO ORDERED.

Dated: 5/19/06

/S/ RONALD M. WHYTE

Ronald M. Whyte

UNITED STATES DISTRICT

JUDGE

**CERTIFICATE OF ELECTRONIC SERVICE**

I hereby certify that on **May 3, 2006**, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send electronic notification of such filing to the following individual(s):

Henry C. Bunsow  
Henry C. Su  
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **May 3, 2006**, at Irvine, California.

s/James W. Geriak

**James W. Geriak**